IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 8473 OF 2005

Chandrakant Dharma Gawand.. .... Petitioner.
Versus
The Chairman, Sudhagad Education Society & Ors... ... ... Respondents.

Mr. Nagendra Dhule i/by Mr. A.B.Desai for the Petitioner.

Mr. Ashutosh Gole i/by Mr. M.V.Limaye for Respondent Nos.2 and 3.

Mr. V. P. Malvankar, AGP for Respondent Nos.4 to 6.

CORAM : R. M. LODHA & NARESH H. PATIL, JJ.

DATED : 7TH AUGUST, 2006.

P.C. :

After having heard Mr. Nagendra Dhule, Counsel for the petitioner, Mr. Ashutosh Gole, Counsel for respondent nos.2 and 3 and Mr. V. P. Malvankar, Assistant Government Pleader for Respondent Nos.4 to 6, we are satisfied that merits of diverse contentions raised in the writ petition need not be examined by us and interest of justice shall be subserved by the following order:

(1) The Education Officer (Secondary), Zilla Parishad Alibag, Dist. Raigad shall hold an enquiry into the aspect as to whether the petitioner is entitled

to the pay scale of Assistant Teacher as declared by the State Government for the period from June, 1997 until date.

(2) Before taking any decision pursuant to the said enquiry, the Education Officer (Secondary), Zilla Parishad Alibag, Dist. Raigad shall hear the petitioner as well as respondent nos.1 to 3.

(3) As per the decision in enquiry, if any payment is due to the petitioner, the respondent no.4 shall ensure that the said payment is made by respondent nos.1 to 3.

(4) All contentions of the parties are kept open to be agitated in subsequent proceedings, if any.

2. With the above directions, the writ petition is disposed of.

Sd/-

(R. M. LODHA, J.)

Sd/-

(NARESH H. PATIL, J.)